

Bava Basra – Simanim

Daf 48 – דף מח

פרק ג – חזקת הבתים

1. גט מעושה forced by idolators is invalid

Rav Huna ruled that a forced sale is valid, and the Gemara explains the logic: אגב אונסיה גמר ומקנה - *because of his duress he agrees to transfer* it sincerely (since he receives payment and loses nothing). Rav Huna is challenged from a Mishnah: בישראל כשר – *a coerced divorce,* - בישראל כשר – if he was forced *by Jews, it is valid,* - ובעכו"ם פסול – but if it was forced *by idolators, it is invalid.* According to Rav Huna's logic, we should similarly say: אגב אונסיה גמר ומגרש – *because of his duress, he agrees and divorces* her sincerely!? [The Rashbam adds that since his wife hates him, and will not remain with him, he loses nothing by divorcing her] The Gemara answers that Rav Mesharshiya says: אפילו בעכו"ם כשר – *Eiblically speaking, even a get* forced *by idolators is valid,* because of the above reason. The Rabbis decreed the *get* invalid, not go attach herself an idolator, and use every means to persuade him to force her husband to divorce her, ומגרש – and thereby *withdraw herself from her husband*.

2. Forced sale "בשדה זו" – a specified field

Rava said: ארצי זביניה זביניה זביניה אוסת – the halachah is that if they hung him up until he sold them what they demanded, his sale is a valid sale. He added that this is only בשדה on *an unspecified field*, i.e., where the owner could choose which field to sell, in which case he likely consented to the sale sincerely. But it a use – if they demanded a specified field, the sale is void. This exception, however, is only דלא ארצי זוזי – where [the owner] did not count the money, demonstrating his opposition to the sale. But if he counted the money, the sale is valid even for a specified field. Furthermore, it is only void דלא ארצי דלא שישתמוטי של הישתמוטי – where he had no way to evade those forcing the sale, but if he could have escaped their demand, the sale is valid. However, the Gemara concludes that even for a specified field, the sale is <u>always</u> valid, אושה כשדה זו דמיא *is like a specified* field (since he is forcing this specific woman to marry him), and Ameimar said: אוש קדושיו קדושיו *if they hung* [a woman] up until she relented *and he married* her, *his marriage is a* valid *marriage*.

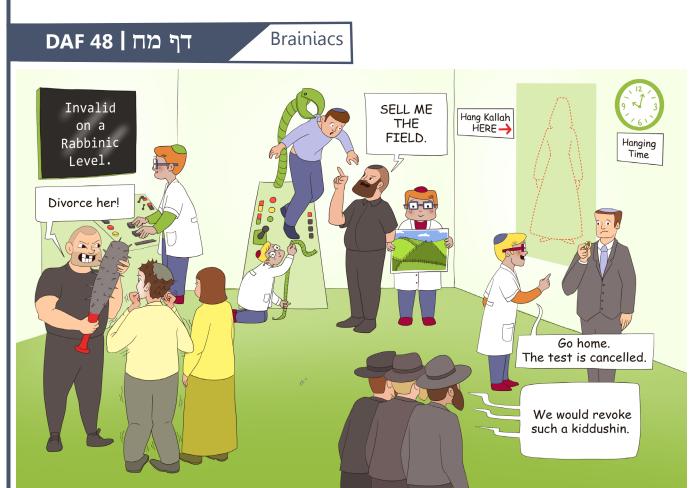
תליוה וקדיש, אפקעינהו רבנן לקידושיה מיניה .3

Ameimar said: תליוה וקדיש קדושיו קדושין – *if they hung* [a woman] up until she relented *and he married* her, *his marriage is a* valid *marriage*. Mar bar Rav Ashi said that although a forced sale is valid, forced *kiddushin* is certainly void, by Rabbinic decree: עשה שלא כהוגן – since *he acted improperly,* עשו עמו *decrefore* [the Rabbis] *acted with him extralegally,* שלא כהוגן – *and the Rabbis revoked his kiddushin*. Ravina asked Rav Ashi: תינח דקדיש בכספא – *That is well if he married* her *with money,* because the Rabbis can invalidate his *kiddushin* by making the money ownerless through with *money,* because the Rabbis can invalidate his *kiddushin* by making the *money, what is there to say*? Rav Ashi answered: שיוה רבנן לבעילתו בעילת זנות *cell fereabilis,* by invalidating his *kiddushin, rendered his relations* as *non-marital relations*.

Siman – Brainiacs

The brainiacs studying the thermodynamics of **coercion** and their halachic significance who rightfully assessed that **a goy forcing a U** is **invalid on a Rabbinic level**, while trying to determine the exact height to hang up an owner **to force a sale of an unspecified field**, decided not to test how long **a woman needed to be hung before she relented and married a man, when they heard the Rabbis would revoke such a** *kiddushin***.**

- מסכת בבא בתרא



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